

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UBS REAL ESTATE SECURITIES INC.,

Plaintiff,

-against-

COUNTY TRUST MORTGAGE BANKERS
CORP.,

Defendant.

Case No.: 07 Civ. 3700 (SAS) (GWG)

ECF Case

PROPOSED ORDER

Upon reading and filing the Declaration of Christopher G. Schmidt, executed on August 8, 2008, and the exhibit thereto, the Declaration of Jeremy M. Sher, executed on August 8, 2008, and the exhibits thereto, the Statement of Plaintiff UBS Real Estate Securities Inc. ("UBS") pursuant to Local Civil Rule 56.1, and the accompanying Memorandum of Law;

NOW upon motion of Miller & Wrubel P.C., attorneys for plaintiff UBS, for an order pursuant to Federal Rule of Civil Procedure 56 granting summary judgment as to damages on UBS's First Cause of Action in favor of UBS and against defendant County Trust Mortgage Bankers Corp. ("County Trust") in the amount of \$792,383.51, and UBS having withdrawn its Second and Third Causes of Action, it is hereby:

ORDERED, ADJUDGED, and DECREED that, pursuant to Federal Rule of Civil Procedure 56, summary judgment is granted on UBS's First Cause of Action in favor of UBS and against County Trust in the amount of \$792,383.51.

The clerk is ordered to enter judgment accordingly.

SO ORDERED.

Dated: New York, New York
_____, 2008

United States Magistrate Judge